

REMARKS

Claims 1-10 are pending in the instant application. Claims 1-10 stand rejected under 35 U.S.C. §103(a) as being obvious in view of PCT publication WO 99/55837. This rejection is respectfully traversed. Reconsideration is respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. §103(a) as being obvious in view of PCT publication WO 99/55837. This rejection is respectfully traversed.

Applicants respectfully submit that the cited publication may only be construed as prior art in accordance with 35 U.S.C. §102(e) as it was published (4 November 1999) after the filing of the priority applications (July 21, 1999 in Great Britain and August 3, 1999 in the United States) albeit filed beforehand. Furthermore, the cited publication is commonly-assigned with the instant application, although the cited Applicant (Nycomed Imaging AS) of the publication reflects the instant assignee prior to its corporate name change to Amersham Health AS. Enclosed is a Certification of Registration from the Norwegian Register of Business Enterprises, dated November 19, 2001 which commemorates the name change of the instant assignee from Nycomed Imaging AS to Amersham Health AS.

35 U.S.C. 102(c) provides that:

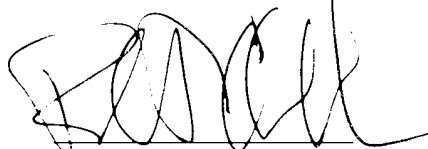
Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person

Applicants respectfully submit that the cited publication, as it qualifies as prior art only under 35 U.S.C. 102(e) and was under an obligation of assignment to the same (corporate) person, may not be used to preclude patentability of the instant application. In view of this prohibition, Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the comments hereinabove, Applicants respectfully submit that the instant application, including claims 1-10 are patentably distinct over the prior art. Favorable action thereon is respectfully requested.

Should the Examiner have any questions with respect to the foregoing, he is respectfully invited to contact Applicants' undersigned counsel at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Chisholm', written over a horizontal line.

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